

K. Leigh (W.)

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A

DEFENCE

OF

An ACCOUNT

OF THE

Receipts and Disbursements

OF THE

WARDEN

OF THE

FREE-GRAMMAR-SCHOOL

of Queen ELIZABETH,

OF THE

Parish of St. OLAVE in SOUTHWARK,

From *Christmas* 1732, to *Christmas* 1733:

IN ANSWER TO

A Vindication of the GOVERNORS, &c.

A
DEFENCE

OF

AN ACCOUNT

OF THE

Receipts and Disbursements

OF THE

WARDEN

1829

OF THE

FREE-GRAVE-SCHOOL

of Queen Elizabeth

OF THE

Parish of St. Olave in Southwark

From Christmas 1732 to Christmas 1733:

In Answer to

A Vindication of the Governors &c





TO THE
GENTLEMEN
OF THE
Parishes of St. OLAVE and St. JOHN,
Southwark.

GENTLEMEN,



Little thought of troubling you a Second Time; but since Mr. *Willis* has been pleased to offer some Things against what, in my first Paper, I advanced, I must beg Leave to address my self once more to you upon the same Subject.

I shall take up as little of your Time as is possible; and though Mr. *Willis* complains of my Conciseness in my former Paper, yet I must insist upon pursuing the same Method in *This*; and if I am *clear*, as well as *short*, I hope *he* will be the only Person who will have any Reason to complain of me.

It is my own Vindication alone that I shall aim at; in the Execution of which Design, I shall avoid all personal Reflections, but such as are necessary to my own Defence, and that truly out of a Motive of Charity; for unless I had been govern'd by that Principle, I have not only received sufficient Provocation, but also have abundant Room to make Reprisals.

That you may be able to make a right Judgment of this Affair that now lies between Mr. *Willis* and me, I shall truly acquaint you with the several Facts upon which the Merits of the Cause depend; and I do not doubt but that when *you*, Gentlemen, pass Sentence, I shall be acquitted with Honour.

February 16, 1732-3. a Bill then depending in Parliament for the Division of the Parish of St. *Olave*; it was order'd, at a Court held the same Day, That a Committee of the whole Court of Governors, or any four, with the Warden, should be a Committee, to take Care of the Rights and Privileges of the Court of Governors; and on *March* 9. following, the Committee met, and were of Opinion,

nion, that Counsel should be advised with upon their Case; and that any two, with the Warden, should be a Sub-Committee, to attend such Counsel as they should think proper upon this Occasion.

In Pursuance of these Resolutions of the Court and Committee, Mr. *Sorrell* apply'd to Mr. *Ryder*, whose Opinion is sign'd *March 12.* (two Days before I was Warden.) This Opinion Mr. *Sorrell* produced in Court; and after the Court in which he produced it was broke up, he took it home with him as a Voucher for the two Guineas he had expended upon that Account, there being no Order of Court for him to leave it behind him. Who the two Gentlemen were that attended Mr. *Ryder*, with Mr. *Sorrell*, I do not know; I can only assure you, that I was not one of them.

But though Mr. *Sorrell* kept the Opinion of Mr. *Ryder* for his own Security, yet, upon their Request, he never refused any of the Governors the Perusal of it, as I ever heard. I borrowed the Opinion one Day of Mr. *Sorrell*, carried it to Mr. *Willis*, and, according to my Promise, restored it to Mr. *Sorrell* that very Evening.

After Mr. *Sorrell's* Accounts were audited, Mr. *Ryder's* Opinion came accidentally into my Hands; several of the Court knew where it was: And I was so far from making a Secret of it, that, upon the first Motion for its being brought into Court (which was on the 18th of *November 1734*) I went and fetch'd it: When the Court was over, as I brought it into Court, and no one Gentleman desiring me to leave it there, I carried it home again.

After this, thinking it could be of little Use to the Court (all the Gentlemen that belonged to it, being so well acquainted with, and having so fully consider'd the Contents of it) upon his Desire, I gave it Mr. *Hucks*, in whose Possession it was when the Court order'd me to lay it before them; that it was in his Custody I told the Court; and Mr. *Hucks* brought it into Court, or gave it the Warden.

As to Mr. *Strange's* Opinion, I must be very short, and shall assure you, Gentlemen, upon my *Word* and *Honour*, that I was entirely unconcerned in the Removal of it out of Court: I knew nothing of it, nor, in the least Manner, contributed towards it. And if the late base and groundless Reflections which have been thrown upon me, have lessen'd me in your Esteem, I have one Witness to produce, of whose Integrity and Veracity, I believe, you are fully satisfied; and that is Mr. *Thomas Hucks*, his Testimony he has been so good as to leave with me in Writing; and any Person who desires it, shall see the original. A true Copy of which is as follows:

"I do affirm, and will affirm, upon Occasion, That I saw a Gentleman (not Mr. *Leigh*) take and carry Mr. *Strange's* Opinion out of the Court of Governors, held in *November, 1734.* and, I believe, Mr. *Leigh* knew not who had it, or took it away, till it was shewed him some Time after."

Tho. Hucks.

Now, Gentlemen, I believe, I may safely join Issue with Mr. *Willis*, and leave it to your impartial Judgments, whether there were sufficient Reasons for making the following Order:

"Order'd,

"Order'd, That Mr. Leigh do lay Both the Counsels Opinions read last Court-Day before this Court, in Order that the same be locked up; the same being demanded of Mr. Leigh, by the Warden, and he refused to deliver the same."

But to clear this Matter farther (if you should not think it clear enough already) let us take a View of Mr. Willis's Method of Reasoning; let us see what Evidence there is in his Principles, and what Strictness in his Conclusions. Mr. Willis says, (Page 10.) *If I had Mr. Ryder's Opinion by me, the whole Time, from the 12th of March, 1732-3. to November 18, 1734. it plainly appears, that I had it in my Possession above a Year and a half.* This is a very true Conclusion, and the best in the whole Book.

But what Reason had Mr. Willis to think that I had Mr. Ryder's Opinion in my Possession all that Time? Why, because *I acknowledged that it was left with me.*

What, because it was left with me after the auditing Mr. Sorrell's Accounts, must I have it in Possession from the Time of signing the Opinion? or, because it came into my Hands by mere Accident, must I produce my Authority for taking it out of Court?

But Mr. Willis says, (Page 8.) *That it was paid for when I was Warden, and therefore I kept it by me.* It appears by Mr. Willis's own Book, that Mr. Ryder's Opinion was signed March 12 and that I was not elected Warden till March 14. But I suppose that Mr. Ryder gave Credit for his Opinion, and Mr. Sorrell having no Money of the Governors in his Hands, he turn'd the Debt over to his Successor.

This is the full Proof of Mr. Willis's Charge against me, in relation to Mr. Ryder's Opinion: Now I come to Mr. Strange's.

But here's my Unhappiness, that there needs no Proof; for my secreting Mr. Ryder's Opinion (which is already demonstrated) makes it plain that I took away Mr. Strange's.

That is, because I took away Mr. Ryder's Opinion openly and avowedly, no Order of Court directing me, nor any one Gentleman desiring me to leave it; and when every Governor was so perfectly acquainted with the Contents of it, that it could be of little or no Use for the future, (for I never took it out of Court till November 18, 1734. which was the Day I brought it in) therefore I took away Mr. Strange's Opinion *Clandestinely and Fraudulently.*

He may as well argue, that because I took half a Crown out of my own Pocket, therefore I pick'd Mr. Willis's.

But I do not do him Justice; Mr. Willis has more Proofs than this. For Mr. Leigh was seen to take Mr. Strange's Opinion off the Table, and would not give an Answer to every Man that asked him about it; and besides, he denied the carrying of it out — Therefore — It is reasonable to suppose he did carry it out, or caused it to be carried out.

What terrible THEREFORE's are these? a Man ought to be in compleat Armour who ventures to engage with such an Adversary as this!

But I'll ask this Gentleman one Question; Did not other Members of the Court, the same Day, take Mr. Strange's Opinion off the Table, to view and consider of it? And why must that which is laudable in others, be a Crime only in me? — Mr. Hucks's Testimony clears all other Parts of this Charge.

As

As to the Affair of Protestings—I must agree with Mr. *Hucks* (notwithstanding all that Mr. *Willis* has advanced to the contrary) that scarce any Thing can secure an honest Man, who is in the Management of charitable Corporations, but an absolute Liberty of Protestings.

If the Majority is to judge whether the Protest is proper; what will become of the poor Protestor, when the Majority is corrupt? Whatever contradicts their pernicious Schemes, and may, by any Means, in Time, discover their Knavery, will always be voted *Scandalous* and *Reflecting* on the Court. But here our new Author's Sagacity fails him; for he does not seem to see this.

I do not say this with any Design to reflect upon the present Governors of your Free-school: If there are some little Abuses in that Charity, they are of long standing, and far below the Name of Corruption: And I take this Opportunity to declare to you, Gentlemen, That notwithstanding the little Differences that have happen'd between me and some of the present Governors, I shall always set a very great Value upon their Friendship and Esteem.

I only observe, That, in my own Opinion, in every Court of this Nature, an absolute Liberty of Protestings is the best Means for the Security of the Members of it. Nor can I conceive what Injury the Court can receive by it. If the Protestor should be impertinent, or any way reflect upon the Court upon Reasons that are visibly Insufficient; in such a Case he would record nothing there, but a Monument of his own Folly.

And what still farther convinces me of the Usefulness of Protestings, is, That the supreme and wisest Court in the Kingdom practises it with the greatest Liberty. I do not say that the Liberty of Protestings in the House of Lords is entirely absolute; but only, that it is greater there than in any other Court of the Kingdom; and yet there no single Member is answerable for what passes the House: Whereas, in a charitable Corporation, a corrupt Vote of the Body may ruin the most just Man in the World, if there is no certain Criterion upon their Books, to distinguish the Innocent from the Guilty.

After having assured Mr. *Willis*, That it is but of pure Respect to one of the Governors, that I do not confirm the *Hear-say* he mentions at Page 15, I proceed to his 16th and 17th Pages, in which is the Order of the Governors about the 20 s. and Mr. *Willis*'s happy Harangue upon it.

The Order is at Large in Mr. *Willis*'s Book, Page 16. so that I shall not trouble you with it here: But Mr. *Willis*'s Declamation upon it, is so fine, that, I believe, Gentlemen, for to read Part of it *once* more, cannot be disagreeable to you.

“ If the Gentlemen, says Mr. *Willis*, in *this* Trust, put themselves upon a Level with the Clerk, who is their Servant, and expect to be paid for the Trouble they shall be at in the Discharge of this Office, I think it highly necessary to put the strongest Bar that may be against such an Evil: For, if any Gentleman, chose into this Trust, does not think the Honour of being a Member, and the Opportunities of doing Good thereby, a sufficient Equivalent for all the Trouble he shall be at in the Execution of it, he ought to refuse it, and let another be chose in his Room.”

What exquisite Oratory is here! and how deplorably mis-spent! But the Misfortune of all this is, That I charge nothing for my Trouble, as appears by my own Account, by the Order upon which Mr. *Willis* is declaiming, and from the 15th Page of Mr. *Willis*'s own Book.

And

And because I demand nothing for my *Trouble*, shall I be paid nothing for my *Expences*?

He might, with equal Justness, have asserted, That out of the Sense of the great Honour, he and the rest of the Governors had done me, I ought generously to have paid the Salaries of the Master and Ushers of the Free-school.

If Mr. *Willis* should have the Honour of being Warden once more, *What great Things* may the Charity expect from him?

I say (p. 7.) that my Account was audited by four Gentlemen, who approved and signed it. This Mr. *Willis* denies.

He does not deny, I believe that they signed it. And would they sign what they did not approve? Yes; because they had this (✓) private *Mark of Approbation*; and where this is not affix'd—they only sign'd, but did not *approve*.

Mr. *Willis* must have a wonderful Sagacity to find this out; for the Auditors themselves allow my Account *absolutely*, as you will find below: And besides, as far as I can learn, this Signature (✓) is not of known and general Use, as a Note of *Approbation*; and if it was, it can be of no Rule in my Account, because there are several Articles which stand there without having this salutary Mark affix'd to them; among which is a Payment to Mr. *East*, of 4 l. 8 s. 10 d. which was never disapproved of by the Auditors, nor had any damnatory Order pass'd against it by the Court.

I should not have named Mr. *East* in this Place, only I was willing to assure him that it was not out of any Prejudice, or Disrespect, that I mentioned him in my former Paper, but only to shew at how small an Expence I had collected the Rents of the School, and the Unreasonableness of those Gentlemen who refused to allow it. For though I am not paid for my *Trouble*, yet I see no Reason why Mr. *East* should not be paid for his: And if his present Salary is not equal to it, I'll vote with Pleasure (whenever it is proposed) for an additional one.

Here follows the Form, in which the Auditors pass'd my Accounts, *viz.*

“ Audited and allowed this Account, this 20th Day of November, 1734.
 “ Whereby we find the Accountant, Mr. *William Leigh*, hath received the Sum
 “ of Eight hundred thirty seven Pounds seven Shillings and nine Pence three
 “ Farthings, and he hath paid the Sum of Three hundred and eighty five Pounds
 “ seven Shillings and three Farthings; and that there is now in the Accountant's
 “ Hands, due to the Governors to Ballance, Four hundred fifty two Pounds and
 “ nine Pence; and that there is in Arrears Sperate due to the Governors the Sum
 “ of Sixteen Pounds; and also in Arrears Desperate, Six Pounds seventeen Shillings.
 “ Witness our Hands,

Richard Perkins,
Samuel Pugh,
Thomas Hicks,
Edward Sorrell.

You here see the Auditors themselves witnessing under their own Hands, that they do not only sign, but *allow* my Accounts: They except nothing; but agree with me intirely in the Sum to be paid to the next Warden. They take a different Method indeed in settling the Ballance; but, I believe, different Manners of

of Operation by different Hands, when they agree at the last, in the Opinion of all Mankind, strengthen, rather than lessen the Authority of any Account.

The Auditors differ besides with me a little in the Arrears, but not in a Manner to affect my Accounts.—What stands thus on my Account,

Good Arrears Rent,	10	10	0	3	
Desperate Arrears Rent,	5	10	0	3	16 0 0

they join in one Sum, and call it all *Arrears Sperate*. And besides, they add an Arrear-Desperate, of 6 *l.* 17 *s.* which is not on my Rental. The Arrear of 6 *l.* 17 *s.* is upon Mr. *Gibbons*; but I believe it is so desperate, that the Court has omitted to trouble the Warden with it; and I cannot guess how it came to be inserted here.

It was manifest there could be no room for Corruption on that small Sum of Twenty Shillings; and it had been time enough to have fenced against Corruption, when the Warden had approached to the Borders of it.

But, Gentlemen, this was not the Case: The Court wanted to put their *Mark of Reprobation* upon a Man who presumed sometimes to be of a different Opinion from the Majority.

But the Sufferings of those poor Twenty Shillings are not over yet. If I admit, says Mr. *Willis* (p. 8.) his writing the Letters himself for 20 *s.* which the Clerk used to have 3 *l.* 3 *s.* for, to be a saving of 2 *l.* 3 *s.* yet by the Article of 2 *l.* 2 *s.* paid for Mr. *Ryder's* Opinion, and made no Use of (but to the Prejudice of the Court) I think within One Shilling ballances that Account.

If this Gentleman had condescended to have looked into my Accounts before he had condemned them, he would have found that nothing is charged there for Mr. *Ryder's* Opinion.

And indeed Mr. *Ryder's* Opinion was taken and paid for by Mr. *Sorrell*, before I was Warden.—I am sorry it should happen so, because this very ingenious Ballance of the One Shilling is quite unsettled by it.—What a deal of shear Wit, and true Calculation, are here quite thrown away? A Man must have a very large Stock of both, who can be so very lavish of them, without the least Occasion.

Before I leave this Paragraph, I must tell Mr. *Willis* that I charge nothing for writing of Letters.—The Article upon my Account, is not for Trouble, but Expenses.

Why won't Mr. *Willis* read, as well as write?—I am satisfied he is equally qualified for both.

After Thanks to Mr. *Willis*, for his Compliments upon my Abilities in Arithmetick, and the Trouble he has taken to correct my Accounts; I come to consider the 600 *l.* which Mr. *Willis* mentions, p. 19.

The Rental runs thus:

‘There is 600 *l.* in the Accountant General's Office in *Chancery*; the Interest whereof is to be received by the Warden.’

Now this 600 *l.* was in *South-Sea* Annuities; and accordingly 24 *l.* Interest becoming due Sept. 29, 1733. I placed 24 *l.* on the Credit-side, as part of the Charge of the Rental; and I placed 24 *l.* on the other Side, as part of the Cash which was to be transfer'd to the next Warden in Discharge of it: For whatever lies ready

ready to be received in the *Bank of England* (as this 24 *l.* did) I always look upon as Cash; and I esteem'd it then as safe there, as it could be in my Hands, or the Hands of my Successor.

And now, Gentlemen, where is the Mistake? But I'll say no more upon this Head, because I am satisfied Mr. *Willis's* Intentions were good; and if there had been a Mistake, I am fully persuaded that he had a real Design to have corrected it.

Indeed, as soon as this 24 *l.* became due, which was at *Michaelmas*, 1733. the Government paid off 6 *l.* 7 *s.* 6 *d.* *per Cent.* which in the 600 *l.* amounted to 38 *l.* 5 *s.* And this occasioned the following Order of the Court of Governors: 'Nov. 17, 1733. Ordered, That the Sum of 38 *l.* 5 *s.* that is now paid off from the *South-Sea Annuities*, being part of the 600 *l.* deposited in the Court of *Chancery*, be laid out in *South-Sea Annuities*; and that the Warden do apply to the Accountant General for that Purpose.'

But this Payment of the Government did not affect the Interest in my Year, but in Mr. *Spence's*.—I must acknowledge, that I should have laid out the 38 *l.* 5 *s.* in Pursuance of this Order of the Court of Governors; but really, Gentlemen, I forgot to do it, and for this Omission I beg your Pardon.

But my Forgetfulness had occasioned no Loss to the Charity, if Mr. *Spence* had remembered it: For he was elected Warden soon enough to have bought *South-Sea Annuities* before *Lady-day*; and, consequently, we should have been intitled to the Interest payable at that Time. And I having placed to Account the full Interest of the whole 600 *l.* to the very *Michaelmas* before, there would have been no manner of Deficiency in this Article. But in truth Mr. *Spence* also forgot it, and so indeed did the whole Court of Governors; it being thought of no more, till the Renewal of their Order for purchasing it, which was not till the 21st of *January*, 1734-5.

So that though without Dispute a Year's Interest of the 38 *l.* 5 *s.* was lost to the Charity (*viz.* from *Michaelmas*, 1733, to *Michaelmas*, 1734.) yet it was not lost by my Fault only; for not only I, as I observed before, but Mr. *Spence* also, and the whole Court of Governors, forgot it.

But perhaps Mr. *Willis* will say, Pray Mr. *Leigh* does their Forgetfulness excuse yours? I can pardon them, but not you; for Mr. *Spence* is an honest Man, and the rest of the Gentlemen are honest Men, and vote with me: they shall forget it, if they please.

As to Mr. *Poultney's* Guinea; the Accounts are inaccurate, I confess, but not unjust.

The Occasion of this Mistake was this:

February the 6th, 1733. Mr. *Poultney's* Guinea was paid by Mr. *Hucks*, at Mr. *Kenyon's*, as part of 1 *l.* 7 *s.* 6 *d.* which was that Day's Reckoning: And I considering only what Money went out of my Pocket, charged to the Governors only 6 *s.* 6 *d.* whereas regularly I should have charged to them 1 *l.* 7 *s.* 6 *d.* and have made my self Debtor on the other Side for Mr. *Poultney's* Guinea.—So that there is no Loss to the Charity; only the Account is not so explicit as it ought to be.

That this is the Fact, Mr. *Poultney's* Testimony, which I shall here produce, is a full Proof; and which I have, under his own Hand, as follows, *viz.*

"The Guinea which I was to pay to the Warden at the Court of Governors, Feb. 6, 1733. *Thomas Hicks, Esq;* paid for me at Mr. *Kenyon's*, the same Day."

Thomas Poultney.

Mr. *Poultney* is pleased to add, that "he enter'd it into his Book, and cannot be mistaken."

That the Charity suffer'd no Injury, appears from Mr. *Kenyon's* Receipts, and my own Account, compared together.

	l. s. d.
It appears, by Mr. <i>Kenyon's</i> Receipts, that I paid him 14 l. 19 s. } which whole Sum ought to have been charged to the Governors. }	14 19 0
And it is plain, from my Account, which is in every one's Hand, } that I charged to the Governors, as paid to Mr. <i>Kenyon</i> only, 13 l. 18 s. }	13 18 0

So that here is Mr. *Poultney's* Guinea ————— 01 01 0

Mr. *Kenyon's* Receipts are with Mr. *East*; and I have Copies of them by me. Both them, and Mr. *Poultney's* Testimony, shall be seen at any Time, by any Gentleman who shall desire it.

But these *Tavern-Reckonings* bring before me another great THEREFORE of Mr. *Willis's*. Because I express my Dislike of Expences which are *not* necessary, Mr. *Willis* would insinuate, that I am Therefore against such Expences as are *necessary* and *honourable*.

My Words are these, p. 8. "It might, methinks, have been expected that such rigorous Inquisitors would have laid their Finger upon one Article, which I am conscious, in strict Severity of Justice, I could not have justified; and that is the Expence of * 18 l. 18 s. at the Taverns; but this being *no way* in collecting the Rents, nor any way in promoting the Charity, it was taken no notice of within Doors."

What astonishes me most, is, that (p. 17.) Mr. *Willis* quotes this Passage very fairly; and yet it is plain that he never read it, either in mine or his own Paper.

For if he had, and found nothing there condemned, as there really is nothing else but those Expences, which in *no way* promote the Charity; how came he, by way of Answer, to declaim upon the Usefulness of those Expences, which tend to the Honour and Advantage of it? — If this is not Shooting without a Mark, what is?

But for fear he should write again, and again mistake me, I beg leave to tell him, in as plain Words as possible, that *unnecessary* Expences are only what I disapprove of; and that whenever the Honour and Advantage of the School or Parishes are concern'd, I shall not only give my Consent that the publick Money shall be made use of, but shall also with Chearfulness contribute out of my private Fortune whatever my Abilities will permit.

* It should have been 19 l. 19 s. Mr. *Poultney's* Guinea occasioned the Mistake, of which I have just given an Account.

I believe by this Time, Gentlemen, you are agreed, that so many false Facts, unkind and unjust Insinuations, inconclusive Reasonings, and mere Trifles, never before met together, in the narrow Compass of Sixteen Pages.

And indeed I thought Mr. *Willis* had little or nothing to say, when at his first setting out he dwelt so long upon a little Grammatical Slip, and for half a Page plays so prettily with the Word *parted*. I meant no more by it, than that all the Advantages and Emoluments of the Governors Estate were to be *parted* between, or *enjoyed* by, the two Parishes.

If the Expression is incorrect, I give it up; it makes nothing to the Merits of the Cause, and little Mistakes in Language are usual to Persons of my Education: And I wish, for the Ease of himself and both Parishes, that Mr. *Willis* had never been guilty of any greater Failures in *Reason* and *Truth*, than I have been in Grammar.

I think now I have gone through Mr. *Willis's* Paper; and shall conclude all with my most humble Request to the Court of Governors, That they would order the Accounts to be annually printed: Which will prove a STRONGER BAR against Corruption, than all the other Orders they can possibly make against it.

G E N T L E M E N,

Your most Obedient,

Humble Servant,

William Leigh.



